

Sub. H.B. 59  
LSC 130 0009-3

\_\_\_\_\_ moved to amend as follows:

In line 599, after "3313.603," insert "3313.6011,"

Between lines 38980 and 38981, insert:

**"Sec. 3313.6011.** (A) As used in this section, ~~"sexual:~~

(1) "Sexual activity" has the same meaning as in section 2907.01 of the Revised Code.

(2) "Gateway sexual activity" means activities described as "sexual contact" in section 2907.01 of the Revised Code.

(B) Instruction in venereal disease education pursuant to division (A)(5)(c) of section 3313.60 of the Revised Code shall emphasize that abstinence from sexual activity is the only protection that is one hundred per cent effective against unwanted pregnancy, sexually transmitted disease, and the sexual transmission of a virus that causes acquired immunodeficiency syndrome.

(C) In adopting minimum standards under section 3301.07 of the Revised Code, the state board of education shall require course material and instruction in venereal disease education courses taught pursuant to division (A)(5)(c) of section 3313.60 of the Revised Code to do all of the following:

(1) Stress that students should abstain from sexual activity

until after marriage;	21
(2) Teach the potential physical, psychological, emotional,	22
and social side effects of participating in sexual activity	23
outside of marriage;	24
(3) Teach that conceiving children out of wedlock is likely	25
to have harmful consequences for the child, the child's parents,	26
and society;	27
(4) Stress that sexually transmitted diseases are serious	28
possible hazards of sexual activity;	29
(5) Advise students of the laws pertaining to financial	30
responsibility of parents to children born in and out of wedlock;	31
(6) Advise students of the circumstances under which it is	32
criminal to have sexual contact with a person under the age of	33
sixteen pursuant to section 2907.04 of the Revised Code;	34
(7) Emphasize adoption as an option for unintended	35
pregnancies.	36
(D) Any model education program for health education the	37
state board of education adopts shall conform to the requirements	38
of this section.	39
(E) <u>Instruction under this section shall not utilize the</u>	40
<u>services of any individual or organization to assist in teaching</u>	41
<u>the coursework if that individual or organization endorses student</u>	42
<u>nonabstinence from sexual activity as an appropriate or acceptable</u>	43
<u>behavior, or if that individual or organization promotes,</u>	44
<u>endorses, advocates, or condones gateway sexual activity.</u>	45
(F) <u>Instruction under this section shall not do any of the</u>	46
<u>following:</u>	47
(1) <u>Promote, implicitly or explicitly, any gateway sexual</u>	48

activity or health message that encourages students to experiment 49  
with sexual activity; 50

(2) Provide or distribute on school grounds materials that 51  
condone, encourage, or promote student sexual activity among 52  
unmarried students; 53

(3) Display or conduct demonstrations with devices 54  
specifically manufactured for sexual stimulation; 55

(4) Distribute contraception on school property. 56

Medically accurate information about contraception and 57  
condoms may be provided if the information is presented in a 58  
manner consistent with provisions of this section and clearly 59  
informs students that while such methods may reduce the risk of 60  
acquiring sexually transmitted diseases or pregnancy, only 61  
abstinence removes all risk. 62

(G)(1) If a student receives instruction by an individual or 63  
organization that promotes gateway sexual activity or demonstrates 64  
sexual activity, in violation of division (E) or (F) of this 65  
section, the student's parent or legal guardian shall have a cause 66  
of action against that individual or organization for actual 67  
damages plus reasonable attorney's fees and court costs. 68

(2) If a student's parent or legal guardian is the prevailing 69  
party to an action brought under division (G)(1) of this section, 70  
a court may impose a civil fine in an amount not to exceed five 71  
thousand dollars. 72

(3) An action brought under division (G)(1) of this section 73  
shall be commenced within one year after the alleged violation 74  
occurred. 75

(H)(1) The provisions of division (F) of this section shall 76  
not apply to instruction by any teacher, instructor, or 77

organization who, with respect to a course or class otherwise 78  
offered in accordance with the requirements of this section, 79  
orally answers in good faith any question, or series of questions, 80  
germane and material to the course, asked of a teacher or 81  
instructor and initiated by a student or students enrolled in the 82  
course. 83

(2) Notwithstanding any other law to the contrary and 84  
regardless of the title or designated name of a particular class 85  
or course, any instruction in sex education or sexual activity 86  
shall comply with the requirements of this section. However, 87  
nothing in this section shall prohibit the scientific study of the 88  
sexual reproductive system through coursework in biology, 89  
physiology, anatomy, health, or physical education. 90

(I) On and after March 18, 1999, and notwithstanding section 91  
3302.07 of the Revised Code, the superintendent of public 92  
instruction shall not approve, pursuant to section 3302.07 of the 93  
Revised Code, any waiver of any requirement of this section or of 94  
any rule adopted by the state board of education pursuant to this 95  
section." 96

In line 113158, after "3313.603," insert "3313.6011," 97

In line 64 of the title, after "3313.603," insert 98  
 "3313.6011," 99

The motion was \_\_\_\_\_ agreed to.

### SYNOPSIS

**Sexual Education Course Content** 100

**R.C. 3313.6011** 101

Prohibits the instruction of sexual education coursework by 102  
an individual who or an organization that endorses student 103  
nonabstinence from sexual activity as an acceptable behavior, or 104  
promotes, endorses, advocates, or condones "gateway sexual 105  
activity." 106

Specifies prohibitions, conditions, and exemptions for sexual 107  
education course instruction when dealing with contraception, 108  
sexual demonstrations, sexual materials, and sexual activities and 109  
messages that encourage experimentation with sexual activity. 110

Grants a student's parent or guardian a cause of action 111  
against an individual who, or an organization that, promotes 112  
gateway sexual activity or demonstrates sexual activity in sexual 113  
education instruction. 114

Defines "gateway sexual activity" for purposes of the 115  
amendment as "sexual contact," as defined under current law in the 116  
Criminal Code, which is the touching of another person in an 117  
erogenous zone. 118